

WILLIAM D. DELAHUNT  
TENTH DISTRICT, MASSACHUSETTS

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**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-2110**

1317 LONGWORTH BUILDING  
WASHINGTON, DC 20515  
(202) 225-3111  
[www.house.gov/delahunt](http://www.house.gov/delahunt)

SOUTH SHORE  
1-800-794-9911  
15 COTTAGE AVENUE  
QUINCY

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October 21, 1999

Hon. William J. Clinton  
The White House  
Washington, DC 20500

Dear Mr. President:

I am writing to urge your veto of the FY2000 Department of Defense Appropriations measure because of a provision, slipped into the bill late in joint conference deliberations, which would undermine federal environmental enforcement efforts -- including at a military facility in southeastern Massachusetts.

Throughout the appropriations process, you have shown admirable resolve against a wave of late-inning anti-environmental riders. It is my hope that you will review carefully the consequences of Section 8149 of HR 2561, which would prohibit the Pentagon from paying fines or penalties arising from violations of environmental safeguards at military installations. It also would prevent the Defense Department from funding "supplemental environmental projects" in lieu of compliance penalties.

At stake is the capacity of the Environmental Protection Agency and Justice Department to enforce environmental standards -- with the tools essential to back up their sanctions. If violators can ignore penalties, environmental standards become meaningless. That this question involves environmental compliance at public facilities only underscores its importance.

This provision is of particular urgency to me because of its potential impact at the Massachusetts Military Reservation, an installation spanning four communities on Cape Cod. Because of federal activities at the base over many years, plumes of toxic pollution now constitute a direct threat to the area's public and economic health -- exacerbating already-serious water supply constraints.

In the few minutes it takes to review this letter, thousands of gallons of water in the sole-source aquifer beneath Upper Cape Cod will be contaminated further. The most serious impact at this Superfund site is the projected shortfall in the local drinking water supply -- an estimated 13 million gallons daily by the year 2020.

The Defense Department has made enormous progress over the last two years toward

addressing the complex and expensive task of containing the pollution; and one catalyst for this momentum has been ongoing and aggressive EPA oversight.

Over these years, EPA has considered assessing penalties only as a last resort -- and only after seeking cooperative alternatives. But in 1997, for example, because of a clear threat to public health, the EPA invoked authority under the Safe Drinking Water Act to restrict Army National Guard training activities at the Military Reservation. And currently pending is a compliance order -- with potential financial penalties -- relating to missed DOD deadlines for 40 specific activities involving groundwater cleanup studies.

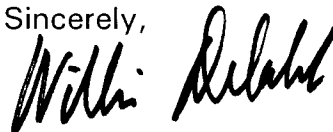
An essential part of our collective momentum has been the consensus which derived from public confidence in the commitment and capacity of federal enforcement mechanisms. A blanket exemption, as contained in the Defense Appropriations rider, would irresponsibly degrade that confidence -- and disrupt the pace of work toward understanding the scope of the remediation challenge.

With the DOD measure now on your desk, I urge you to weigh the consequences of this rider on public health for Cape Cod and across the country. For my own part, this provision made it impossible to support the overall appropriations bill on the House floor; if it becomes law, I will devote myself to its repeal next year.

In my view, its prohibitions would cut the teeth -- and heart -- out of environmental enforcement, on the state as well as federal levels. It would contravene the letter and spirit of the Federal Facilities Compliance Act and other relevant statutes.

Moreover, it would send a message that we aspire to a lower, rather than higher, standard for dealing with pollution emanating from public facilities -- a message completely at odds with the Administration's record of commitment to environmental protection.

Sincerely,

A handwritten signature in black ink, appearing to read "William D. Delahunt", written in a cursive style.

William D. Delahunt